

In the claims

1. (cancelled)
2. (cancelled)
3. (cancelled)
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16. (cancelled)
17. (cancelled)
18. (cancelled)
19. (cancelled)

20. (presently amended) A method for isolating a desired gene,
which comprises

(i) inserting DNA fragments obtained from DNA containing the desired gene into a plasmid vector(s) comprising a promoter sequence to control an expression of a desired gene, said promoter sequence being recognized by an RNA polymerase derived from SP6 phage, and a replication origin for increasing a copy number by induction with an exogenous factor, said replication origin comprising lac promoter and RNAII region, wherein said desired gene encodes a protein lethal or harmful to the host;

(ii) transforming host cells with said the resulting vector(s) of step (i) ; and

(iii) selecting the transformed host cells containing said desired gene.

21. (cancelled)

22. (presently amended) The method for isolating a desired gene according to claim ~~21~~ 20, wherein the gene encoding a protein lethal or harmful to the host is a restriction endonuclease gene.

23. (withdrawn). A polypeptide containing the entire or a portion of the amino acid sequence shown by SEQ ID NO:1 set forth in the Sequence Listing, and possessing an activity of AccIII restriction endonuclease.

24. (withdrawn) A polypeptide having an amino acid sequence resulting from at least one of deletion, addition, insertion or substitution of one or more amino acid residues in the amino acid sequence of SEQ ID NO:1 set forth in the Sequence Listing or a portion thereof, and possessing an activity of AccIII restriction endonuclease.

25. (withdrawn) A DNA encoding a polypeptide which contains the entire portion of the amino acid sequence shown by SEQ ID NO:1 set forth in the Sequence Listing, and possesses an activity of AccIII restriction endonuclease.

26. (withdrawn) A DNA containing the entire or a portion of the DNA shown by SEQ ID NO:2 set forth in the Sequence Listing wherein an expression product of said DNA possesses an activity of AccIII restriction endonuclease.

27. (withdrawn) A DNA encoding a polypeptide resulting from resulting from at least one of deletion, addition, insertion or substitution of one or more amino acid residues in the amino acid sequence of SEQ ID NO:1 set forth in the Sequence Listing or a

portion thereof, and possessing an activity of AccIII restriction endonuclease.

28. (withdrawn and previously amended) A DNA capable of hybridizing to the DNA according to claim 25, and encoding a polypeptide possessing an activity of AccIII restriction endonuclease.

29. (original) The method of claim 20, wherein said DNA fragment is obtained by cleaving DNA containing the desired gene with restriction endonuclease.

30. (presently amended) The method of claim 20, wherein said DNA fragment is obtained by PCR ~~PCR-based amplification~~ using a DNA containing the desired gene.

31. (original) The method of claim 22, wherein said plasmid vector comprises the restriction endonuclease gene but does not contain a corresponding modification enzyme.